

DECLARATION, POWER OF ATTORNEY AND PETITION

We, BARRY HUBBARD, TIMOTHY MCTIGHE, JERRY KEE and PAUL MRAZ, declare: that we are citizens of the United States of America; that our residences and post office addresses are 106 West 12200 South, Draper, Utah 84020, P.O. Box 23414, Chagrin Falls, Ohio 44023, 600 Sandtree Drive, Suite 206 C, Palm Beach Gardens, Florida 33403 and 3303 Carnegie Avenue, Cleveland, Ohio 44115, respectively; that we verily believe we are the original, first, and joint inventors of the subject matter of the invention or discovery entitled ORTHOPAEDIC IMPLANT WITH PROXIMAL COLLAR, for which a patent is sought and which is described and claimed in the specification attached hereto; that we have reviewed and understand the contents of the above-identified specification, including the claims; and that we acknowledge the duty to disclose information which is material to the examination of this application in accordance with Section 1.56(a) of Title 37 of the Code of Federal Regulations.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such

willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

We hereby appoint as our attorneys and/or patent agents, CALVIN E. THORPE, Registration No. 24,928, VAUGHN W. NORTH, Registration No. 27,930, M. WAYNE WESTERN, Registration No. 22,788, GRANT R. CLAYTON, Registration No. 32,462, ALAN J. HOWARTH, Registration No. 36,553, KARL R. CANNON, Registration No. 36,468, RANDALL B. BATEMAN, Registration No. 37,774, DAVID W. O'BRYANT, Registration No. 39,793, FRANK W. COMPAGNI, Registration No. 40,567, GARRON M. HOBSON, Registration No. 41,073 and DAVID R. McKINNEY, Registration No. 42,868, all with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please address all correspondence to:

Customer No. 20449

All telephonic communications should be directed to:

KARL R. CANNON

Telephone: (801) 566-6633

Facsimile: (801) 566-0750

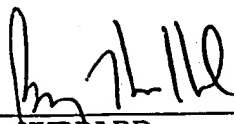
Please reference the below provided attorney docket number in all communications:

T2108.CONT.CONT.CIP

Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing

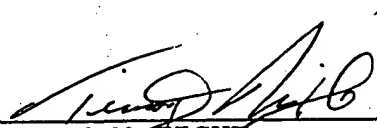
specification and claims, declaration, power of attorney, and this petition.

Signed at ODC, Draper, Utah, this
4th day of November, 1998.



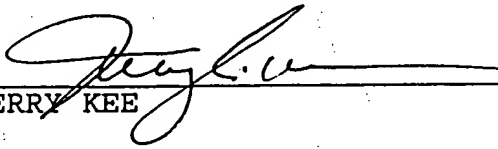
BARRY HUBBARD

Signed at CHAGRIN FALLS, OHIO, this
7th day of DECEMBER, 1998.

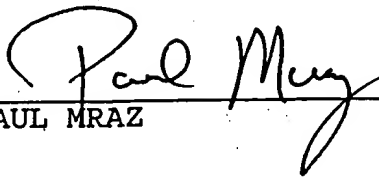


TIMOTHY MCTIGHE

Signed at Palm Beach Gardens, Florida, this
25th day of February, 1998.


JERRY KEE

Signed at Cleveland, Ohio, this
17 day of November, 1998.



PAUL MRAZ

Dec, POA & PET